

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY:   ATTORNEY FOR (NAME): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:	TELEPHONE NUMBER:	FOR COURT USE ONLY
PETITIONER:  RESPONDENT:		Case Number:
<b>DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR ORDERS</b>		Department Number:

I, the undersigned, declare:

1. **I am (choose one):**

(1) ☐ **attorney for** Petitioner

☐ **attorney for** Respondent

☐ **attorney for** child(ren)

(2) ☐ **self-represented** Petitioner

☐ **self-represented** Respondent

(3) ☐ **other** (explain): \_\_\_\_\_
2. **The opposing party or minor child(ren) is represented by an attorney:** ☐ Yes ☐ No  
 (If you checked "yes", fill in the attorney's name, address, and telephone number. If you checked "no", fill in the other party's name, address, and telephone number.  
 Party/Attorney name: \_\_\_\_\_  
 Address/Telephone number: \_\_\_\_\_  
 Child's attorney name and address: \_\_\_\_\_
3. **OTHER CASES:** Have the parties to this case been involved in another Family, Probate, Juvenile, or Criminal Court Case? ☐ Yes ☐ No If there has been another case, fill in the case number: \_\_\_\_\_
4. **NOTICE**
  - I HAVE given notice to the opposing party and/or their attorney by the following method:**  
☐ Personal delivery ☐ Fax ☐ Overnight Courier ☐ First Class Mail ☐ Other: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 I have received confirmation that the other party has received my papers as follows (Check one below)  
☐ In person/telephone (describe): \_\_\_\_\_  
☐ Confirmation of receipt.
  - I HAVE NOT given notice of the ex parte request for orders because (Check all that apply. You must explain below):**

☐ This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.  
☐ Great or irreparable injury will result to me before the matter can be heard on notice.  
☐ It is impossible to give notice.  
☐ The other party agrees to the orders requested.  
☐ No significant burden or inconvenience to the responding party will result from the orders requested.  
☐ Other: \_\_\_\_\_
  - EXPLANATION:**

☐ A hearing between the parties is already set. I am asking that this motion be heard at the same time.  
☐ I am unable to serve the other party 21 days before the hearing.  
☐ I fear for my physical safety (and that of my children, is applicable).  
☐ Other: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

Signature of Declarant \_\_\_\_\_

Print Name \_\_\_\_\_

## **INSTRUCTIONS**

**Please refer to Imperial County Local Family Rules for more information**

This form is required in Imperial County, if you are asking the Judge to make immediate orders without the other party being present for a hearing. These orders are called ex parte orders. This form must be completed in any case where ex parte orders are requested. If you have given notice to the other side of your case, you must state the form of notice given. Notice means providing the other side of the case, either the attorney or a self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have not given notice, you must explain why you have not given notice. There are some circumstances when notice may be waived, such as cases involving allegations of domestic violence where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

### **SECTION #1**

State whether you are the Petitioner or the Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new motion in the case. If you do not have an attorney, you are considered self-represented.

### **SECTION #2**

If the other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

### **SECTION #3**

It is very important to list all other cases in which you and the other party have been involved with the courts. This would include other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put unknown and list the county and year of the filing, if possible.

### **SECTION #4A**

**Unless notice is excused by the Court, you must provide notice of this motion to the other party before you deliver a copy to the Court. When you give such notice, specify how you did it (by fax, courier, or personally, for example) and at what time and date. Also, please explain how you know that the other side received copies of your papers and what response you were given.**

### **SECTION #4B**

**If you did not give notice of this application, explain why in this section. Check as many boxes as apply. You may also write out any further explanation of your reasons for not giving notice.**

After this form is completed, attach it to your motion (or other ex parte request) and submit them to Clerk of the Court, 939 Main Street, El Centro, CA 92243.